

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

EDWARD L. CAMPBELL

PLAINTIFF

v.

4:20CV00082-JTK

ERIC HIGGINS, et al.

DEFENDANTS

MEMORANDUM AND ORDER

Plaintiff Edward Campbell filed this pro se 42 U.S.C. § 1983 action while incarcerated at the Pulaski County Detention Facility (Jail), and the Court granted his Motion to Proceed in forma pauperis (IFP) on January 30, 2020. (Doc. Nos. 2, 7) Defendants Higgins, Roberts, Allen, and Tillery were dismissed for failure to state a claim on February 24, 2020. (Doc. No. 17) On September 10, 2020, Campbell filed a Notice of change of address, reflecting his release from incarceration (Doc. No. 42), and on September 11, 2020, the Court directed him to file an updated IFP motion within fifteen days. (Doc. No. 43) The Court cautioned Plaintiff that failure to file such could result in the dismissal of his Complaint without prejudice. (Id.)

When Plaintiff did not file the updated IFP Motion, the remaining Defendant, D. Walker, filed a Motion to Dismiss the Complaint for failure to prosecute. (Doc. No. 45) The Court then directed Plaintiff on October 14, 2020, to respond to the Motion within ten days, again warning him that failure to comply would result in the dismissal of his Complaint. (Doc. No. 46) As of this date, Plaintiff has not responded to the Court's September 11, 2020, or October 14, 2020 Orders.

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address,

to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

In light of Plaintiff's failure to respond, the Court finds that his Complaint should be dismissed without prejudice for failure to prosecute. Accordingly,

IT IS, THEREFORE, ORDERED that Defendants' Motion to Dismiss (Doc. No. 44) is GRANTED, and Plaintiff's Complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Memorandum and Order.

IT IS SO ORDERED this 16th day of November, 2020.

A handwritten signature in black ink, appearing to read 'J. Kearney', is written over a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE